

**BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550**

IN THE MATTER OF)	DATE: January 12, 2005
)	
David Krask)	DOCKET NO.: 04F-016
Supervisory Physicist (Former))	
Department of Health)	
8350 Old Montgomery Road)	
Columbia, Maryland 21045)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of the General Counsel following a determination by its Public Information Records Management Division, that pursuant to D.C. Official Code §1-1106.02 (2001 Edition), David Krask, Supervisory Physicist, Department of Health, failed to timely file, a Financial Disclosure Statement for calendar year 2003, on or before May 15, 2004, as required by D.C. Official Code §1-1106.02, and also failed to file on or before the OCF sanctioned extended filing deadline of June 21, 2004.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 17, 2004, OCF ordered David Krask (hereinafter respondent), to appear at a scheduled hearing on August 25, 2004, and show cause why he should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement (FDS) for calendar year 2003, on or before June 21, 2004. On August 27, 2004, OCF received an affidavit from respondent stating that he separated from the District Government on July 30, 2003. Respondent stated that during his exit interview with Ms. Jeanette Fields, he was not informed of the requirement to file a final FDS with OCF, and that no forms were given to him to do so. On August 20, 2004, respondent filed the required Financial Disclosure Statement online.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a member of the Management Supervisory Service; and paid at the rate of MS-13 or above.
2. Respondent timely filed a Financial Disclosure Statement in calendar year 2003 on May 14, 2003.
3. Respondent separated from the District Government on July 30, 2003.
4. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2003, on or before June 21, 2004.
5. Respondent filed the required Financial Disclosure Statement for calendar year 2003 on August 20, 2004.
6. Respondent provided a credible explanation for the filing delinquency in that he was not informed during his exit interview of the requirement to file a final FDS with OCF upon separation from government service.
7. OCF provided notice to file if the filer ceases to serve prior to May 15th of any year, and within 30 days of any change in information on its Financial Disclosure Statement form.
8. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02, is a fine of \$50.00 per day for each business day subsequent to the due date.
3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.

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4. For good cause shown pursuant to 3DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file, that he was not apprised to do so by his agency, coupled with a history of timely filing, constitute good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

**Jean Scott Diggs
Hearing Officer**

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

**Kathy S. Williams
General Counsel**

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on January 12, 2005.

cc: Gregg A. Pane, M.D.
Director, Department of Health
825 North Capitol Street, NE
Washington, DC 20002

Jeanette Fields, HR Advisor
Department of Health
825 North Capitol Street, NE
Washington, DC 20002

NOTICE

Pursuant to 3DCMR §3711.5, any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.